

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated February 18, 2009, (hereinafter Office Action) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the objection to Claims 4, 6, 7, 14, 16, 17, 22, 24, and 25, each of the claims has been amended in accordance with the Examiner's suggestions. Thus, the objection is believed to be overcome, and Applicant requests that the objection be removed.

With respect to the § 112, second paragraph, rejection of Claims 10 and 20, the claims have been amended to replace the term "such as" with "including". Since the claims particularly point out the subject matter included in the claims, the rejection is believed to be overcome. Applicant accordingly requests that the rejection be withdrawn.

Without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter and in an effort to facilitate prosecution, Applicant has amended each of the independent claims to indicate that a widget received from the broadcast system is presented with a media stream and activation thereof sends a transaction signal to request the delivery of an object. Support for these changes may be found in the instant Specification, for example, at paragraphs [0066], [0070], [0075], and [0081]; therefore, the changes do not introduce new matter. Also, new Claims 26-28 have been added whereto support for these claims may be found in paragraph [0070]. The Specification describes that a widget may be an on-screen, or a text entry, widget which allows a user to initiate a request for delivering an object by activating the widget. Neither of the asserted references, Ferris nor Burgess, teaches or suggests use of a widget, as now claimed. Since neither of the references teaches at least these limitations, any combination thereof must also fail to correspond to such limitations. Without correspondence to each of the limitations, the § 103(a) rejection would be improper. Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 2-10, 12-20, and 22-25 depend from independent Claims 1, 11, and 21, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the asserted combination of Ferris and Burgess. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the above remarks made in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-10, 12-20, and 22-25 are also patentable over the asserted combination of Ferris and Burgess.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.155US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: May 15, 2009

By: /Erin M. Nichols/

Erin M. Nichols
Reg. No. 57,125